

REMARKS

Claims 1-14 presently stand rejected as anticipated pursuant to 35 U.S.C. § 102(b) in view of the disclosure of DeMello et al. (U.S. Patent no. 6,891,953) ("DeMello"). Applicant requests that the Examiner reconsider the rejection in view of the remarks contained herein. Applicant submits that the claims are in condition for allowance.

Initially, while Applicant disagrees with certain conclusions concerning the Examiner's rejection and the somewhat unclear reliance on portions of *DeMello*,¹ Applicant notes that the Examiner has cited *DeMello* as a § 102(b) reference. Prior art under 102(b) requires the invention to be patented or described in a printed publication in the U.S. or a foreign country, or in public use or sale in this country more than one year before the date of the application in the United States. 35 U.S.C. § 102(b); See also MPEP § 2133.

In regard to the relied on *DeMello* reference, it has a patenting/publication date of May 10, 2005. Applicants' specification was filed in the U.S. PTO on February 2, 2002,

¹ In the event that the Examiner intends to make any additional rejection over any prior art, Applicant requests that the Examiner provide more specific citations to the prior art so that Applicant can properly understand the nature and basis of the Examiner's rejection and reliance on the art. The Examiner's current rejection relies on every figure of the *DeMello* and all of the "accompanying descriptions" in the text of the patent. Thus, the Examiner has simply cited the whole document. This provides no specific information as to the nature of the Examiner's rejection.

(which is based on an earlier claim of priority to prior foreign applications). Thus, the *DeMello* reference is clearly not prior art under 35 U.S.C. § 102(b). Applicant therefore requests that the Examiner withdraw the rejection.

Even so, Applicants further submit that the inventions of the claims herein are not disclosed in the *DeMello* reference. For example, *DeMello* discloses the use of a license construct that may include a content key and which defines the rights that the user can exercise upon purchase of a title. *DeMello*, col. 6, lines 45-53. That reference does not indicate that the license includes terminal-identification information necessary for decrypting the encrypted content data to the extent suggested in independent claim 1. Thus, Applicants submit that claim 1 contains subject matter not disclosed in the reference.

Applicant also suggests that the subject matter of claim 1 may be compared with independent claims 9, 10, 12 and 14. Simply put, *DeMello* does not disclose Applicant's inventions with respect to at least the terminal-identification information.

Finally, while Applicant further disagrees with aspects of the rejections of the remaining claims that depend from claim 1, 9, 10, 12 and 14, Applicant submits that the proper allowance of these independent claims similarly requires allowance of their dependent claims.

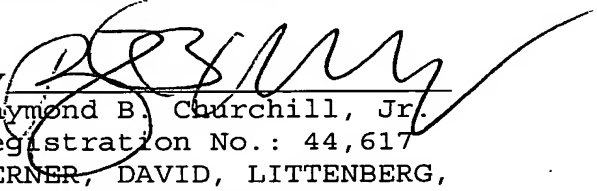
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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